

---

By: **Senators Hughes, Conway, Della, Gladden, and Jones**  
Introduced and read first time: March 8, 2004  
Assigned to: Rules

---

A BILL ENTITLED

1 AN ACT concerning

2                                   **State Government - Office of Legislative Audits - Baltimore City Board of**  
3                                   **School Commissioners**

4 FOR the purpose of requiring the Office of Legislative Audits to audit the Baltimore  
5 City Board of School Commissioners (Board) to investigate whether there has  
6 been certain wrongdoing by the Board; requiring the employees of the Office of  
7 Legislative Audits to have access to certain records of the Board under certain  
8 circumstances; authorizing the Legislative Auditor to report to the Attorney  
9 General any alleged criminal violation by a person discovered during the course  
10 of an audit; requiring the Attorney General to keep a certain report of an alleged  
11 criminal violation confidential under certain circumstances; authorizing the  
12 Attorney General to investigate and prosecute any alleged criminal violation  
13 reported by the Legislative Auditor under certain circumstances; authorizing  
14 the Attorney General to exercise all the powers and duties of a State's Attorney  
15 to investigate and prosecute certain alleged criminal violations under certain  
16 circumstances; and generally relating to an audit of the Baltimore City Board of  
17 School Commissioners.

18 BY adding to  
19 Article - State Government  
20 Section 2-1220(f)  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2003 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25                                   **Article - State Government**

26 2-1220.

27 (F) (1) IN THIS SUBSECTION, "BOARD" MEANS THE BALTIMORE CITY BOARD  
28 OF SCHOOL COMMISSIONERS.

1           (2)     THE OFFICE OF LEGISLATIVE AUDITS SHALL AUDIT THE BALTIMORE  
2 CITY BOARD OF SCHOOL COMMISSIONERS TO DETERMINE WHETHER THERE HAS  
3 BEEN WRONGDOING ON THE PART OF THE BOARD.

4           (3)     AN AUDIT CONDUCTED BY THE OFFICE OF LEGISLATIVE AUDITS  
5 UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INVESTIGATE WHETHER THERE  
6 HAS BEEN ANY WRONGDOING BY THE BOARD, INCLUDING:

7                   (I)     NEGLIGENCE;

8                   (II)    GROSS NEGLIGENCE;

9                   (III)   MALFEASANCE;

10                  (IV)   MISFEASANCE;

11                  (V)     NONFEASANCE;

12                  (VI)    CRIMINAL INTENT; OR

13                  (VII)   CRIMINAL ACTIONS.

14           (4)     EXCEPT AS PROHIBITED BY FEDERAL LAW, DURING AN AUDIT, THE  
15 EMPLOYEES OF THE OFFICE OF LEGISLATIVE AUDITS SHALL HAVE ACCESS TO AND  
16 MAY INSPECT THE RECORDS OF THE BOARD, INCLUDING THOSE THAT ARE  
17 CONFIDENTIAL BY LAW, WITH RESPECT TO ANY MATTER UNDER THE JURISDICTION  
18 OF THE OFFICE OF LEGISLATIVE AUDITS.

19           (5)     (I)     IF THE LEGISLATIVE AUDITOR DISCOVERS ANY ALLEGED  
20 CRIMINAL VIOLATION BY A PERSON DURING THE COURSE OF AN AUDIT, THE  
21 LEGISLATIVE AUDITOR MAY REPORT THE ALLEGED VIOLATION TO THE ATTORNEY  
22 GENERAL.

23                   (II)    UNLESS THE ATTORNEY GENERAL DECIDES TO PROSECUTE AN  
24 ALLEGED CRIMINAL VIOLATION REPORTED UNDER SUBPARAGRAPH (I) OF THIS  
25 PARAGRAPH, THE ATTORNEY GENERAL SHALL KEEP THE REPORT OF THE  
26 LEGISLATIVE AUDITOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH  
27 CONFIDENTIAL.

28                   (III)   THE ATTORNEY GENERAL:

29                           1.     MAY INVESTIGATE AND PROSECUTE ANY ALLEGED  
30 CRIMINAL VIOLATION REPORTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH;  
31 AND

32                           2.     HAS ALL THE POWERS AND DUTIES OF A STATE'S  
33 ATTORNEY, INCLUDING THE USE OF A GRAND JURY IN BALTIMORE CITY, TO  
34 INVESTIGATE AND PROSECUTE THE ALLEGED VIOLATION.

35     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 June 1, 2004.

